

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.11.501 and the adoption of) PROPOSED AMENDMENT AND
NEW RULE I and NEW RULE II) ADOPTION
pertaining to the Fort Peck Dredge)
Cuts and Fort Peck Reservoir)

TO: All Concerned Persons

1. On February 16, 2017, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fort Peck Fish Hatchery, 277 Highway 117, Fort Peck, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than February 3, 2017, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

12.11.501 LIST OF WATER BODIES (1) through (41) remain the same.
(42) Fort Peck Dredge Cuts [NEW RULE I]
(42) remains the same but is renumbered (43).
(43)(44) Fort Peck Reservoir ARM 12.11.2401, &
12.11.3601, & [NEW RULE II]
(44) through (116) remain the same but are renumbered (45) through (117).

AUTH: ~~23-1-106, 23-2-302~~, 87-1-301, 87-1-303, MCA
IMP: ~~23-1-106~~, 87-1-303, MCA

4. The rules as proposed to be adopted provide as follows:

NEW RULE I FORT PECK DREDGE CUTS (1) The Fort Peck Dredge Cuts are located in Valley County.

(2) The Fort Peck Dredge Cuts are limited to a controlled no wake speed, as defined in ARM 12.11.101(1), in the following areas:

(a) the Bay of Park Grove approximately 75 feet from the shoreline.

AUTH: 87-1-303, MCA
IMP: 87-1-303, MCA

NEW RULE II FORT PECK RESERVOIR (1) A portion of Fort Peck Reservoir is located in Valley County.

(2) In Valley County, Fort Peck Reservoir is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), in the following areas:

(a) Duck Creek Bay as marked by buoys.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The commission received two separate petitions for no wake restrictions in Valley County.

A petition was received requesting to restrict the Bay of Park Grove located in the Fort Peck Dredge Cuts to a no wake zone approximately 75 feet from the shoreline to address safety concerns, shoreline damage, and disruption of both animal activity and nonmotorized user activity.

A petition was received requesting to restrict the Duck Creek Bay located on Fort Peck Reservoir to a limited no wake zone near the mouth of the bay to address safety and property damage, as the area has a boat ramp and camping area and is becoming increasingly more popular.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Ron Howell, Department of Fish, Wildlife and Parks Region 6 Office, 54078 US Hwy 2 W, Glasgow, MT 59230; or e-mail rhowell@mt.gov, and must be received no later than February 17, 2017.

6. Mark Sullivan or another hearing officer appointed by the department has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department or commission.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed

text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State January 9, 2017.